
SENATE BILL No. 349

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-3.

Synopsis: Worker's compensation. Increases worker's compensation for permanent partial impairment.

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Pensions and Labor.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 349

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 22-3-3-10, AS AMENDED BY P.L.134-2006,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 10. (a) With respect to injuries in the schedule set
4 forth in subsection (d) occurring on and after July 1, 1979, and before
5 July 1, 1988, the employee shall receive, in addition to temporary total
6 disability benefits not to exceed fifty-two (52) weeks on account of the
7 injury, a weekly compensation of sixty percent (60%) of the employee's
8 average weekly wages, not to exceed one hundred twenty-five dollars
9 (\$125) average weekly wages, for the period stated for the injury.
10 (b) With respect to injuries in the schedule set forth in subsection
11 (d) occurring on and after July 1, 1988, and before July 1, 1989, the
12 employee shall receive, in addition to temporary total disability benefits
13 not exceeding seventy-eight (78) weeks on account of the injury, a
14 weekly compensation of sixty percent (60%) of the employee's average
15 weekly wages, not to exceed one hundred sixty-six dollars (\$166)
16 average weekly wages, for the period stated for the injury.
17 (c) With respect to injuries in the schedule set forth in subsection

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(d) occurring on and after July 1, 1989, and before July 1, 1990, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the injury.

(d) With respect to injuries in the following schedule occurring on and after July 1, 1990, and before July 1, 1991, the employee shall receive, in addition to temporary total disability benefits not exceeding seventy-eight (78) weeks on account of the injury, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the injury.

(1) Amputation: For the loss by separation of the thumb, sixty (60) weeks, of the index finger forty (40) weeks, of the second finger thirty-five (35) weeks, of the third or ring finger thirty (30) weeks, of the fourth or little finger twenty (20) weeks, of the hand by separation below the elbow joint two hundred (200) weeks, or the arm above the elbow two hundred fifty (250) weeks, of the big toe sixty (60) weeks, of the second toe thirty (30) weeks, of the third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks, of the fifth or little toe ten (10) weeks, for loss occurring on and after April 1, 1959, by separation of the foot below the knee joint, one hundred seventy-five (175) weeks and of the leg above the knee joint two hundred twenty-five (225) weeks. The loss of more than one (1) phalange of a thumb or toes shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe, and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger, and compensation shall be paid for one-third (1/3) of the period for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger, and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) For the loss by separation of both hands or both feet or the total sight of both eyes, or any two (2) such losses in the same

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1 accident, five hundred (500) weeks.

2 (3) For the permanent and complete loss of vision by enucleation
3 or its reduction to one-tenth (1/10) of normal vision with glasses,
4 one hundred seventy-five (175) weeks.

5 (4) For the permanent and complete loss of hearing in one (1) ear,
6 seventy-five (75) weeks, and in both ears, two hundred (200)
7 weeks.

8 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of
9 both testicles, one hundred fifty (150) weeks.

10 (e) With respect to injuries in the schedule set forth in subsection
11 (h) occurring on and after July 1, 1979, and before July 1, 1988, the
12 employee shall receive, in addition to temporary total disability benefits
13 not exceeding fifty-two (52) weeks on account of the injury, a weekly
14 compensation of sixty percent (60%) of the employee's average weekly
15 wages not to exceed one hundred twenty-five dollars (\$125) average
16 weekly wages for the period stated for the injury.

17 (f) With respect to injuries in the schedule set forth in subsection (h)
18 occurring on and after July 1, 1988, and before July 1, 1989, the
19 employee shall receive, in addition to temporary total disability benefits
20 not exceeding seventy-eight (78) weeks on account of the injury, a
21 weekly compensation of sixty percent (60%) of the employee's average
22 weekly wages, not to exceed one hundred sixty-six dollars (\$166)
23 average weekly wages, for the period stated for the injury.

24 (g) With respect to injuries in the schedule set forth in subsection
25 (h) occurring on and after July 1, 1989, and before July 1, 1990, the
26 employee shall receive, in addition to temporary total disability benefits
27 not exceeding seventy-eight (78) weeks on account of the injury, a
28 weekly compensation of sixty percent (60%) of the employee's average
29 weekly wages, not to exceed one hundred eighty-three dollars (\$183)
30 average weekly wages, for the period stated for the injury.

31 (h) With respect to injuries in the following schedule occurring on
32 and after July 1, 1990, and before July 1, 1991, the employee shall
33 receive, in addition to temporary total disability benefits not exceeding
34 seventy-eight (78) weeks on account of the injury, a weekly
35 compensation of sixty percent (60%) of the employee's average weekly
36 wages, not to exceed two hundred dollars (\$200) average weekly
37 wages, for the period stated for the injury.

38 (1) Loss of use: The total permanent loss of the use of an arm,
39 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
40 as the equivalent of the loss by separation of the arm, hand,
41 thumb, finger, leg, foot, toe, or phalange, and compensation shall
42 be paid for the same period as for the loss thereof by separation.

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(2) Partial loss of use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(3) For injuries resulting in total permanent disability, five hundred (500) weeks.

(4) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (d)(3), compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then in such event compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses, plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(5) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (d)(4), compensation shall be paid for a period proportional to the degree of such permanent reduction.

(6) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(7) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(i) With respect to injuries in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the injury, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent ($66 \frac{2}{3}\%$) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the injury occurred.

(1) Amputation: For the loss by separation of the thumb, twelve

(12) degrees of permanent impairment; of the index finger, eight

(8) degrees of permanent impairment; of the second finger, seven

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(7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; by separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, and for the loss by separation of any of the body parts described in subdivision (3), (5), or (8), on or after July 1, 1999, the dollar values per degree applying on the date of the injury as described in subsection (j) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger, and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger, and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation, thirty-five (35) degrees of permanent impairment.

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(6) For the reduction of vision to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(7) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(8) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(9) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(10) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(11) For injuries resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(12) For any permanent reduction of the sight of an eye less than a total loss as specified in subsection (h)(4), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(13) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subsection (h)(5), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(14) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

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(15) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(j) Compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the injury determined under subsection (i) and the following:

(1) With respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to injuries occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to injuries occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven

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(11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to injuries occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to injuries occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to injuries occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to injuries occurring on and after July 1, 2001, and before July 1, 2007, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars

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(9) With respect to injuries occurring on and after July 1, 2007,

and before July 1, 2008, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~three~~ **five** hundred ~~forty~~ **seventy-three** dollars (~~\$1,340~~) (**\$1,573**) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand ~~five~~ **eight** hundred ~~forty-five~~ **fifteen** dollars (~~\$1,545~~) (**\$1,815**) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand ~~four~~ **nine** hundred ~~seventy-five~~ **four** dollars (~~\$2,475~~) (**\$2,904**) per degree; for each degree of permanent impairment above fifty (50), three thousand ~~one~~ **six** hundred ~~fifty~~ **thirty** dollars (~~\$3,150~~) (**\$3,630**) per degree.

(10) With respect to injuries occurring on and after July 1, 2008, and before July 1, 2009, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~three~~ **seven** hundred ~~sixty-five~~ **thirty** dollars (~~\$1,365~~) (**\$1,730**) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand ~~five~~ **nine** hundred ~~seventy~~ **ninety-seven** dollars (~~\$1,570~~) (**\$1,997**) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), ~~two~~ **three** thousand ~~five~~ **one** hundred ~~twenty-five~~ **ninety-four** dollars (~~\$2,525~~) (**\$3,194**) per degree; for each degree of permanent impairment above fifty (50), three thousand ~~two~~ **nine** hundred ~~ninety-three~~ **three** dollars (~~\$3,200~~) (**\$3,993**) per degree.

(11) With respect to injuries occurring on and after July 1, 2009, and before July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~three~~ **nine** hundred ~~eighty~~ **three** dollars (~~\$1,380~~) (**\$1,903**) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), ~~one~~ **two** thousand ~~five~~ **one** hundred ~~eighty-five~~ **ninety-seven** dollars (~~\$1,585~~) (**\$2,197**) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), ~~two~~ **three** thousand ~~six~~ **five** hundred ~~thirteen~~ **thirteen** dollars (~~\$2,600~~) (**\$3,513**) per degree; for each degree of permanent impairment above fifty (50), ~~three~~ **four** thousand three hundred ~~ninety-two~~ **two** dollars (~~\$3,300~~) (**\$4,392**) per degree.

(12) With respect to injuries occurring on and after July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), ~~one~~ **two** thousand ~~four~~ **hundred** ~~ninety-three~~ **three** dollars (~~\$1,400~~) (**\$2,093**) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), ~~one~~ **two** thousand ~~six~~ **four**

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hundred ~~seventeen~~ dollars ~~(\$1,600)~~ **(\$2,417)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), ~~two three~~ thousand ~~seven eight~~ hundred ~~sixty-four~~ dollars ~~(\$2,700)~~ **(\$3,864)** per degree; for each degree of permanent impairment above fifty (50), ~~three four~~ thousand ~~five eight~~ hundred ~~thirty-one~~ dollars ~~(\$3,500)~~ **(\$4,831)** per degree.

(k) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (i) and (j) shall not exceed the following:

(1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, and before July 1, 2006, eight hundred eighty-two dollars (\$882).

(11) With respect to injuries occurring on or after July 1, 2006, and before July 1, 2007, nine hundred dollars (\$900).

(12) With respect to injuries occurring on or after July 1, 2007, and before July 1, 2008, nine hundred thirty dollars (\$930).

~~(13)~~ **(13)** With respect to injuries occurring on or after July 1, 2008, and before July 1, 2009, ~~nine hundred fifty-four one thousand one hundred sixteen~~ dollars ~~(\$954)~~ **(\$1,116)**.

~~(14)~~ **(14)** With respect to injuries occurring on or after July 1, 2009, ~~nine hundred seventy-five one thousand three hundred thirty nine~~ dollars ~~(\$975)~~ **(\$1,339)**.

SECTION 2. IC 22-3-7-16, AS AMENDED BY P.L.134-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) Compensation shall be allowed on account

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of disablement from occupational disease resulting in only temporary total disability to work or temporary partial disability to work beginning with the eighth day of such disability except for the medical benefits provided for in section 17 of this chapter. Compensation shall be allowed for the first seven (7) calendar days only as provided in this section. The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

- (1) the extraordinary circumstances that have precluded a determination of liability within the initial sixty (60) days;
- (2) the status of the investigation on the date the petition is filed;
- (3) the facts or circumstances that are necessary to make a determination; and
- (4) a timetable for the completion of the remaining investigation.

An employer who fails to comply with this section is subject to a civil penalty of fifty dollars (\$50), to be assessed and collected by the board upon notice and hearing. Civil penalties collected under this section shall be deposited in the state general fund.

(b) Once begun, temporary total disability benefits may not be terminated by the employer unless:

- (1) the employee has returned to work;
- (2) the employee has died;
- (3) the employee has refused to undergo a medical examination

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under section 20 of this chapter;

(4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum compensation allowable under section 19 of this chapter; or

(5) the employee is unable or unavailable to work for reasons unrelated to the compensable disease.

In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the board. If the employee disagrees with the proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this chapter.

(c) An employer is not required to continue the payment of temporary total disability benefits for more than fourteen (14) days after the employer's proposed termination date unless the independent medical examiner determines that the employee is temporarily disabled and unable to return to any employment that the employer has made available to the employee.

(d) If it is determined that as a result of this section temporary total disability benefits were overpaid, the overpayment shall be deducted from any benefits due the employee under this section and, if there are no benefits due the employee or the benefits due the employee do not equal the amount of the overpayment, the employee shall be

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1 responsible for paying any overpayment which cannot be deducted
2 from benefits due the employee.

3 (e) For disablements occurring on and after July 1, 1976, from
4 occupational disease resulting in temporary total disability for any work
5 there shall be paid to the disabled employee during the temporary total
6 disability weekly compensation equal to sixty-six and two-thirds
7 percent (66 2/3%) of the employee's average weekly wages, as defined
8 in section 19 of this chapter, for a period not to exceed five hundred
9 (500) weeks. Compensation shall be allowed for the first seven (7)
10 calendar days only if the disability continues for longer than twenty-one
11 (21) days.

12 (f) For disablements occurring on and after July 1, 1974, from
13 occupational disease resulting in temporary partial disability for work
14 there shall be paid to the disabled employee during such disability a
15 weekly compensation equal to sixty-six and two-thirds percent
16 (66 2/3%) of the difference between the employee's average weekly
17 wages, as defined in section 19 of this chapter, and the weekly wages
18 at which the employee is actually employed after the disablement, for
19 a period not to exceed three hundred (300) weeks. Compensation shall
20 be allowed for the first seven (7) calendar days only if the disability
21 continues for longer than twenty-one (21) days. In case of partial
22 disability after the period of temporary total disability, the latter period
23 shall be included as a part of the maximum period allowed for partial
24 disability.

25 (g) For disabilities occurring on and after July 1, 1979, and before
26 July 1, 1988, from occupational disease in the schedule set forth in
27 subsection (j), the employee shall receive in addition to disability
28 benefits, not exceeding fifty-two (52) weeks on account of the
29 occupational disease, a weekly compensation of sixty percent (60%) of
30 the employee's average weekly wages, not to exceed one hundred
31 twenty-five dollars (\$125) average weekly wages, for the period stated
32 for the disabilities.

33 (h) For disabilities occurring on and after July 1, 1988, and before
34 July 1, 1989, from occupational disease in the schedule set forth in
35 subsection (j), the employee shall receive in addition to disability
36 benefits, not exceeding seventy-eight (78) weeks on account of the
37 occupational disease, a weekly compensation of sixty percent (60%) of
38 the employee's average weekly wages, not to exceed one hundred
39 sixty-six dollars (\$166) average weekly wages, for the period stated for
40 the disabilities.

41 (i) For disabilities occurring on and after July 1, 1989, and before
42 July 1, 1990, from occupational disease in the schedule set forth in

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subsubsection (j), the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the disabilities.

(j) For disabilities occurring on and after July 1, 1990, and before July 1, 1991, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the disabilities.

(1) Amputations: For the loss by separation, of the thumb, sixty (60) weeks; of the index finger, forty (40) weeks; of the second finger, thirty-five (35) weeks; of the third or ring finger, thirty (30) weeks; of the fourth or little finger, twenty (20) weeks; of the hand by separation below the elbow, two hundred (200) weeks; of the arm above the elbow joint, two hundred fifty (250) weeks; of the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks; of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15) weeks; of the fifth or little toe, ten (10) weeks; of the foot below the knee joint, one hundred fifty (150) weeks; and of the leg above the knee joint, two hundred (200) weeks. The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the thumb or toe, and compensation shall be paid for one-half (1/2) of the period for the loss of the entire thumb or toe. The loss of not more than two (2) phalanges of a finger shall be considered as the loss of one-half (1/2) of the finger, and compensation shall be paid for one-half (1/2) of the period for the loss of the entire finger.

(2) Loss of Use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and the compensation shall be paid for the same period as for the loss thereof by separation.

(3) Partial Loss of Use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange,

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1 compensation shall be paid for the proportionate loss of the use of
2 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

3 (4) For disablements for occupational disease resulting in total
4 permanent disability, five hundred (500) weeks.

5 (5) For the loss of both hands, or both feet, or the total sight of
6 both eyes, or any two (2) of such losses resulting from the same
7 disablement by occupational disease, five hundred (500) weeks.

8 (6) For the permanent and complete loss of vision by enucleation
9 of an eye or its reduction to one-tenth (1/10) of normal vision with
10 glasses, one hundred fifty (150) weeks, and for any other
11 permanent reduction of the sight of an eye, compensation shall be
12 paid for a period proportionate to the degree of such permanent
13 reduction without correction or glasses. However, when such
14 permanent reduction without correction or glasses would result in
15 one hundred percent (100%) loss of vision, but correction or
16 glasses would result in restoration of vision, then compensation
17 shall be paid for fifty percent (50%) of such total loss of vision
18 without glasses plus an additional amount equal to the
19 proportionate amount of such reduction with glasses, not to
20 exceed an additional fifty percent (50%).

21 (7) For the permanent and complete loss of hearing, two hundred
22 (200) weeks.

23 (8) In all other cases of permanent partial impairment,
24 compensation proportionate to the degree of such permanent
25 partial impairment, in the discretion of the worker's compensation
26 board, not exceeding five hundred (500) weeks.

27 (9) In all cases of permanent disfigurement, which may impair the
28 future usefulness or opportunities of the employee, compensation
29 in the discretion of the worker's compensation board, not
30 exceeding two hundred (200) weeks, except that no compensation
31 shall be payable under this paragraph where compensation shall
32 be payable under subdivisions (1) through (8). Where
33 compensation for temporary total disability has been paid, this
34 amount of compensation shall be deducted from any
35 compensation due for permanent disfigurement.

36 (k) With respect to disablements in the following schedule occurring
37 on and after July 1, 1991, the employee shall receive in addition to
38 temporary total disability benefits, not exceeding one hundred
39 twenty-five (125) weeks on account of the disablement, compensation
40 in an amount determined under the following schedule to be paid
41 weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the
42 employee's average weekly wages during the fifty-two (52) weeks

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- 1 immediately preceding the week in which the disablement occurred:
- 2 (1) Amputation: For the loss by separation of the thumb, twelve
- 3 (12) degrees of permanent impairment; of the index finger, eight
- 4 (8) degrees of permanent impairment; of the second finger, seven
- 5 (7) degrees of permanent impairment; of the third or ring finger,
- 6 six (6) degrees of permanent impairment; of the fourth or little
- 7 finger, four (4) degrees of permanent impairment; of the hand by
- 8 separation below the elbow joint, forty (40) degrees of permanent
- 9 impairment; of the arm above the elbow, fifty (50) degrees of
- 10 permanent impairment; of the big toe, twelve (12) degrees of
- 11 permanent impairment; of the second toe, six (6) degrees of
- 12 permanent impairment; of the third toe, four (4) degrees of
- 13 permanent impairment; of the fourth toe, three (3) degrees of
- 14 permanent impairment; of the fifth or little toe, two (2) degrees of
- 15 permanent impairment; of separation of the foot below the knee
- 16 joint, thirty-five (35) degrees of permanent impairment; and of the
- 17 leg above the knee joint, forty-five (45) degrees of permanent
- 18 impairment.
- 19 (2) Amputations occurring on or after July 1, 1997: For the loss
- 20 by separation of any of the body parts described in subdivision (1)
- 21 on or after July 1, 1997, the dollar values per degree applying on
- 22 the date of the injury as described in subsection (1) shall be
- 23 multiplied by two (2). However, the doubling provision of this
- 24 subdivision does not apply to a loss of use that is not a loss by
- 25 separation.
- 26 (3) The loss of more than one (1) phalange of a thumb or toe shall
- 27 be considered as the loss of the entire thumb or toe. The loss of
- 28 more than two (2) phalanges of a finger shall be considered as the
- 29 loss of the entire finger. The loss of not more than one (1)
- 30 phalange of a thumb or toe shall be considered as the loss of
- 31 one-half (1/2) of the degrees of permanent impairment for the loss
- 32 of the entire thumb or toe. The loss of not more than one (1)
- 33 phalange of a finger shall be considered as the loss of one-third
- 34 (1/3) of the finger, and compensation shall be paid for one-third
- 35 (1/3) of the degrees payable for the loss of the entire finger. The
- 36 loss of more than one (1) phalange of the finger but not more than
- 37 two (2) phalanges of the finger shall be considered as the loss of
- 38 one-half (1/2) of the finger, and compensation shall be paid for
- 39 one-half (1/2) of the degrees payable for the loss of the entire
- 40 finger.
- 41 (4) For the loss by separation of both hands or both feet or the
- 42 total sight of both eyes or any two (2) such losses in the same

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1 accident, one hundred (100) degrees of permanent impairment.

2 (5) For the permanent and complete loss of vision by enucleation
3 or its reduction to one-tenth (1/10) of normal vision with glasses,
4 thirty-five (35) degrees of permanent impairment.

5 (6) For the permanent and complete loss of hearing in one (1) ear,
6 fifteen (15) degrees of permanent impairment, and in both ears,
7 forty (40) degrees of permanent impairment.

8 (7) For the loss of one (1) testicle, ten (10) degrees of permanent
9 impairment; for the loss of both testicles, thirty (30) degrees of
10 permanent impairment.

11 (8) Loss of use: The total permanent loss of the use of an arm, a
12 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
13 considered as the equivalent of the loss by separation of the arm,
14 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
15 shall be paid in the same amount as for the loss by separation.
16 However, the doubling provision of subdivision (2) does not
17 apply to a loss of use that is not a loss by separation.

18 (9) Partial loss of use: For the permanent partial loss of the use of
19 an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
20 phalange, compensation shall be paid for the proportionate loss of
21 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

22 (10) For disablements resulting in total permanent disability, the
23 amount payable for impairment or five hundred (500) weeks of
24 compensation, whichever is greater.

25 (11) For any permanent reduction of the sight of an eye less than
26 a total loss as specified in subdivision (5), the compensation shall
27 be paid in an amount proportionate to the degree of a permanent
28 reduction without correction or glasses. However, when a
29 permanent reduction without correction or glasses would result in
30 one hundred percent (100%) loss of vision, then compensation
31 shall be paid for fifty percent (50%) of the total loss of vision
32 without glasses, plus an additional amount equal to the
33 proportionate amount of the reduction with glasses, not to exceed
34 an additional fifty percent (50%).

35 (12) For any permanent reduction of the hearing of one (1) or both
36 ears, less than the total loss as specified in subdivision (6),
37 compensation shall be paid in an amount proportionate to the
38 degree of a permanent reduction.

39 (13) In all other cases of permanent partial impairment,
40 compensation proportionate to the degree of a permanent partial
41 impairment, in the discretion of the worker's compensation board,
42 not exceeding one hundred (100) degrees of permanent

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impairment.

(14) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(l) With respect to disablements occurring on and after July 1, 1991, compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the disablement determined under subsection (k) and the following:

(1) With respect to disablements occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to disablements occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to disablements occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to disablements occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent

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impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to disablements occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to disablements occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred fifty dollars (\$2,500) per degree.

(8) With respect to disablements occurring on and after July 1, 2001, and before July 1, 2007, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two

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thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(9) With respect to disablements occurring on and after July 1, 2007, and before July 1, 2008, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~three~~ **five** hundred ~~forty~~ **seventy-three** dollars ~~(\$1,340)~~ **(\$1,573)** per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand ~~five~~ **eight** hundred ~~forty-five~~ **fifteen** dollars ~~(\$1,545)~~ **(\$1,815)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand ~~four~~ **nine** hundred ~~seventy-five~~ **four** dollars ~~(\$2,475)~~ **(\$2,904)** per degree; for each degree of permanent impairment above fifty (50), three thousand ~~one~~ **six** hundred ~~fifty~~ **thirty** dollars ~~(\$3,150)~~ **(\$3,630)** per degree.

(10) With respect to disablements occurring on and after July 1, 2008, and before July 1, 2009, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~three~~ **seven** hundred ~~sixty-five~~ **thirty** dollars ~~(\$1,365)~~ **(\$1,730)** per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand ~~five~~ **nine** hundred ~~seventy~~ **ninety-seven** dollars ~~(\$1,570)~~ **(\$1,997)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), ~~two~~ **three** thousand ~~five~~ **one** hundred ~~twenty-five~~ **ninety-four** dollars ~~(\$2,525)~~ **(\$3,194)** per degree; for each degree of permanent impairment above fifty (50), three thousand ~~two~~ **nine** hundred ~~ninety-three~~ **dollars** ~~(\$3,200)~~ **(\$3,993)** per degree.

(11) With respect to disablements occurring on and after July 1, 2009, and before July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), one thousand ~~three~~ **nine** hundred ~~eighty~~ **three** dollars ~~(\$1,380)~~ **(\$1,903)** per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), ~~one~~ **two** thousand ~~five~~ **one** hundred ~~eighty-five~~ **ninety-seven** dollars ~~(\$1,585)~~ **(\$2,197)** per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), ~~two~~ **three** thousand ~~six~~ **five** hundred ~~thirteen~~ **dollars** ~~(\$2,600)~~ **(\$3,513)** per degree; for each degree of permanent impairment above fifty (50), ~~three~~ **four** thousand three hundred ~~ninety-two~~ **dollars** ~~(\$3,300)~~ **(\$4,392)** per degree.

(12) With respect to disablements occurring on and after July 1, 2010, for each degree of permanent impairment from one (1) to ten (10), ~~one~~ **two** thousand ~~four~~ **hundred** ~~ninety-three~~ **dollars**

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1 ~~(\$1,400)~~ **(\$2,093)** per degree; for each degree of permanent
 2 impairment from eleven (11) to thirty-five (35), ~~one two~~ thousand
 3 ~~six four~~ hundred ~~seventeen~~ dollars ~~(\$1,600)~~ **(\$2,417)** per degree;
 4 for each degree of permanent impairment from thirty-six (36) to
 5 fifty (50), ~~two three~~ thousand ~~seven eight~~ hundred ~~sixty-four~~
 6 dollars ~~(\$2,700)~~ **(\$3,864)** per degree; for each degree of
 7 permanent impairment above fifty (50), ~~three four~~ thousand ~~five~~
 8 ~~three~~ hundred ~~eighty-one~~ dollars ~~(\$3,500)~~ **(\$4,381)** per degree.

9 (m) The average weekly wages used in the determination of
 10 compensation for permanent partial impairment under subsections (k)
 11 and (l) shall not exceed the following:

12 (1) With respect to disablements occurring on or after July 1,
 13 1991, and before July 1, 1992, four hundred ninety-two dollars
 14 (\$492).

15 (2) With respect to disablements occurring on or after July 1,
 16 1992, and before July 1, 1993, five hundred forty dollars (\$540).

17 (3) With respect to disablements occurring on or after July 1,
 18 1993, and before July 1, 1994, five hundred ninety-one dollars
 19 (\$591).

20 (4) With respect to disablements occurring on or after July 1,
 21 1994, and before July 1, 1997, six hundred forty-two dollars
 22 (\$642).

23 (5) With respect to disablements occurring on or after July 1,
 24 1997, and before July 1, 1998, six hundred seventy-two dollars
 25 (\$672).

26 (6) With respect to disablements occurring on or after July 1,
 27 1998, and before July 1, 1999, seven hundred two dollars (\$702).

28 (7) With respect to disablements occurring on or after July 1,
 29 1999, and before July 1, 2000, seven hundred thirty-two dollars
 30 (\$732).

31 (8) With respect to disablements occurring on or after July 1,
 32 2000, and before July 1, 2001, seven hundred sixty-two dollars
 33 (\$762).

34 (9) With respect to injuries occurring on or after July 1, 2001, and
 35 before July 1, 2002, eight hundred twenty-two dollars (\$822).

36 (10) With respect to injuries occurring on or after July 1, 2002,
 37 and before July 1, 2006, eight hundred eighty-two dollars (\$882).

38 (11) With respect to injuries occurring on or after July 1, 2006,
 39 and before July 1, 2007, nine hundred dollars (\$900).

40 (12) With respect to injuries occurring on or after July 1, 2007,
 41 and before July 1, 2008, nine hundred thirty dollars (\$930).

42 (13) With respect to injuries occurring on or after July 1, 2008,

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and before July 1, 2009, ~~nine hundred fifty-four one thousand~~
~~one hundred sixteen~~ dollars ~~(\$954)~~: **(\$1,116)**.

(14) With respect to injuries occurring on or after July 1, 2009,
~~nine hundred seventy-five one thousand three hundred thirty~~
~~nine~~ dollars ~~(\$975)~~: **(\$1,339)**.

(n) If any employee, only partially disabled, refuses employment
suitable to the employee's capacity procured for the employee, the
employee shall not be entitled to any compensation at any time during
the continuance of such refusal unless, in the opinion of the worker's
compensation board, such refusal was justifiable. The employee must
be served with a notice setting forth the consequences of the refusal
under this subsection. The notice must be in a form prescribed by the
worker's compensation board.

(o) If an employee has sustained a permanent impairment or
disability from an accidental injury other than an occupational disease
in another employment than that in which the employee suffered a
subsequent disability from an occupational disease, such as herein
specified, the employee shall be entitled to compensation for the
subsequent disability in the same amount as if the previous impairment
or disability had not occurred. However, if the permanent impairment
or disability resulting from an occupational disease for which
compensation is claimed results only in the aggravation or increase of
a previously sustained permanent impairment from an occupational
disease or physical condition regardless of the source or cause of such
previously sustained impairment from an occupational disease or
physical condition, the board shall determine the extent of the
previously sustained permanent impairment from an occupational
disease or physical condition as well as the extent of the aggravation or
increase resulting from the subsequent permanent impairment or
disability, and shall award compensation only for that part of said
occupational disease or physical condition resulting from the
subsequent permanent impairment. An amputation of any part of the
body or loss of any or all of the vision of one (1) or both eyes caused by
an occupational disease shall be considered as a permanent impairment
or physical condition.

(p) If an employee suffers a disablement from an occupational
disease for which compensation is payable while the employee is still
receiving or entitled to compensation for a previous injury by accident
or disability by occupational disease in the same employment, the
employee shall not at the same time be entitled to compensation for
both, unless it be for a permanent injury, such as specified in
subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9), but the employee shall

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be entitled to compensation for that disability and from the time of that disability which will cover the longest period and the largest amount payable under this chapter.

(q) If an employee receives a permanent disability from occupational disease such as specified in subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9) after having sustained another such permanent disability in the same employment, the employee shall be entitled to compensation for both such disabilities, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation and, when such previous and subsequent permanent disabilities, in combination result in total permanent disability or permanent total impairment, compensation shall be payable for such permanent total disability or impairment, but payments made for the previous disability or impairment shall be deducted from the total payment of compensation due.

(r) When an employee has been awarded or is entitled to an award of compensation for a definite period from an occupational disease wherein disablement occurs on and after April 1, 1963, and such employee dies from other causes than such occupational disease, payment of the unpaid balance of such compensation not exceeding three hundred fifty (350) weeks shall be paid to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter, and compensation, not exceeding five hundred (500) weeks, shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter.

(s) Any payment made by the employer to the employee during the period of the employee's disability, or to the employee's dependents, which, by the terms of this chapter, was not due and payable when made, may, subject to the approval of the worker's compensation board, be deducted from the amount to be paid as compensation, but such deduction shall be made from the distal end of the period during which compensation must be paid, except in cases of temporary disability.

(t) When so provided in the compensation agreement or in the award of the worker's compensation board, compensation may be paid semimonthly, or monthly, instead of weekly.

(u) When the aggregate payments of compensation awarded by agreement or upon hearing to an employee or dependent under eighteen (18) years of age do not exceed one hundred dollars (\$100), the payment thereof may be made directly to such employee or dependent, except when the worker's compensation board shall order otherwise.

(v) Whenever the aggregate payments of compensation, due to any person under eighteen (18) years of age, exceed one hundred dollars

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1 (\$100), the payment thereof shall be made to a trustee, appointed by the
2 circuit or superior court, or to a duly qualified guardian, or, upon the
3 order of the worker's compensation board, to a parent or to such minor
4 person. The payment of compensation, due to any person eighteen (18)
5 years of age or over, may be made directly to such person.

6 (w) If an employee, or a dependent, is mentally incompetent, or a
7 minor at the time when any right or privilege accrues to the employee
8 under this chapter, the employee's guardian or trustee may, in the
9 employee's behalf, claim and exercise such right and privilege.

10 (x) All compensation payments named and provided for in this
11 section shall mean and be defined to be for only such occupational
12 diseases and disabilities therefrom as are proved by competent
13 evidence, of which there are or have been objective conditions or
14 symptoms proven, not within the physical or mental control of the
15 employee.

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